



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 18, 2015 LOCAL EFFECTIVE DATE October 2, 2015 APPROX FINAL EFFECTIVE DATE October 16, 2015	CONTACT/PHONE Megan Martin, (805)781-4163 mamartin@co.slo.ca.us	APPLICANT Creekside Lofts, L.P.	FILE NO. DRC2014-00096
SUBJECT A request by CREEKSIDE LOFTS L.P. for a Minor Use Permit/Coastal Development Permit (DRC2014-00096) to allow the construction of a new two-story, 5,058 square foot single family residence to be used as a vacation rental. The residence will be 25 feet in height above the highest point of the lot and will have an attached garage and outdoor pool. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00096 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.			
LAND USE CATEGORY Recreation	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Zone, Coastal Special Community, Visitor Serving Area	ASSESSOR PARCEL NUMBER 076-196-006	SUPERVISOR DISTRICT(S): 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan, San Luis Bay Coastal Area Plan Does the project meet applicable Planning Area Standards: <i>Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Coastal Appealable Zone, Setbacks, Parking, Height, Residential Vacation Rentals Does the project conform to the Land Use Ordinance Standards: <i>Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Site is currently vacant	
SURROUNDING LAND USE CATEGORIES AND USES: North: Recreation; recreation/golf course East: Recreation; undeveloped South: Commercial Retail, commercial West: Recreation; recreation/park	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, HEAL SLO, Avila CSD, Coastal Commission, Avila Valley Advisory Council, Native American Heritage Commission	
TOPOGRAPHY: Nearly level to steeply sloping (8% average slope)	VEGETATION: Grasses and disturbed soils
PROPOSED SERVICES: Water supply: Avila Community Services District Sewage Disposal: Avila Community Services District Fire Protection: Avila Fire	ACCEPTANCE DATE: May 11, 2015

DISCUSSION

BACKGROUND

The project application is a re-run of an expired permit (DRC2006-00181) which was approved on August 21, 2006 by the Hearing Officer. The project did not begin construction and therefore the permit expired. This application submitted for approval is consistent with the previously approved permit.

AVILA BEACH SPECIFIC PLAN STANDARDS

While the Avila Beach Specific Plan does not contain development standards for the lots within the "Old Railroad Right-of-Way" it does contain discussion on conceptual uses for this site (under Implementation section No. 5 of the Avila Beach Specific Plan). Conceptual uses may include, "expansion of the parking lot or allow for a residential use, and the northern portion would be redesignated as Residential Multi Family (RMF)." The proposed project includes a residential use which is anticipated other than a parking lot as stated above.

These properties within the "Old Railroad Right-of-Way" were approved as a lot line adjustment at the Subdivision Review Board hearing on August 4, 1997 (S960044L; COAL96-112). This lot line adjustment allowed for the reconfiguration of these parcels into 14 lots that range in size from 6,000 to 20,000 square feet each. These smaller lots are required to take access off of a private drive (Beach Colony Lane) which is currently located at the rear of the lots so there will be no new driveways constructed on to Avila Beach Drive. These lots were approved prior to adoption of the Avila Beach Specific Plan in March of 2001.

SAN LUIS BAY PLANNING AREA STANDARDS:

Avila Beach Urban Area Standards

1. Water Authorization Required. Submittal of a "will-serve" letter from the Avila Beach Community Services District (ABCSD) is required prior to issuance of any building permits for construction proposed to have water service.

Staff Response: The proposed project complies with this standard. The applicant received an intent to serve letter from the ABCSD. The project, as conditioned, is required to submit the will-serve letter from the ABCSD prior to issuance of any building permits.

4. Permit Requirement. Unless otherwise specified in the Avila Beach Specific Plan, Minor Use Permit approval is required for all proposed new uses except secondary dwellings.

Staff Response: The proposed project complies with this standard because the applicant has applied for a Minor Use Permit for the consideration of a new single family dwelling.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043(c)(1): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located between the sea and the first public road (Avila Beach Drive) paralleling the sea.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.04.100: Setbacks

Required setbacks for the front, side and rear portions of the property are 25 feet from the front property line (Avila Beach Drive), 5 feet from the interior side property line, 0 foot setback from the street side corner, and 10 feet from the rear property line.

Staff Response: The proposed project complies with these standards as conditioned.

Section 23.04.160: Parking

The proposed project is a single family residence which must contain at least two off street parking spaces.

Staff Response: The proposed project complies with this standard. The single family residence includes a garage area that contains at least two parking spaces and room for an additional two parking spaces within the driveway.

Section 23.04.120: Height Requirement

Maximum height for structures within the Recreation land use category is 35 feet from average natural grade.

Staff Response: This project is proposed to have a maximum height of 25 feet from the highest point of the lot which complies with the ordinance requirements; approximately 28'-4" from average natural grade.

Section 23.08.165: Residential Vacation Rentals

The Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development. Zoning Clearance, Business License and Transient Occupancy Tax Registration

is required for each residential vacation rental. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental (within Avila Beach) if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. The location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

Staff Response: The proposed project includes a request to use the residence as a Residential Vacation Rental. The lot is not within 50 feet of an existing vacation rental or visitor-serving accommodation and a waiver to modify the location standard is not needed at this time. As conditioned, in order to vest the property for the use of a vacation rental, the applicant will be required to apply for a business license within 30 days of receipt of their building permit.

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒ Policy No(s): 1

Coastal Watersheds: ☒ Policy No(s): 7, 8, 10

Visual and Scenic Resources: ☒ Policy No(s): 2

Hazards: ☒ Policy No(s): 1, 2

Archeology: ☒ Policy No(s): 1

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Public Works:

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff Response: The previously approved Minor Use Permit DRC2006-00181 received a preliminary "will serve" letter on May 16, 2003. Due to the recent water issues in the area, the applicant will be required to submit an up to date "will serve" letter from the Avila Beach Community Services District prior to building permit issuance. The proposed project, as conditioned, complies with this policy.

Coastal Watersheds:

Policy 7: Siting of new development. *The proposed project is consistent with this policy because the proposed single family residence will be located on an existing lot of record in the Recreation land use category. A portion of the site does exceed 20% in slope through the center*

of the lot due to construction of the railroad and Avila Beach Drive. There is no place to locate a single family residence without impacting this 20% sloped area which runs through the center of the entire lot.

Policy 8: Timing of new construction. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems.

Staff Response: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion.

Staff Response: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the residence will not increase erosion or runoff.

Hazards:

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property.

Staff Response: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

Staff Response: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion or geological instability.

Visual and Scenic Resources:

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

Staff Response: The proposed project is designed as to minimize visual impacts from Avila Beach Drive as this is a gateway into the community. The project has proposed to include a design that buries a major portion of the home so the views from Avila Beach drive are that of a two story residence with a height of 25 feet. The site contains existing development within the backdrop of the site therefore the project does not create new development which will block views of the ocean or beach areas. This project complies with this policy.

Archaeology:

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

Staff Response: This project complies with this requirement through mitigation measures for cultural resources. For specifics refer to environmental document and attached conditions of approval 14, 15, 42, and 43.

COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Beach committee met at a regular meeting on March 30, 2015. The committee had concerns related to parking, street setbacks, noise, and the appearance of the house.

Staff Response: The proposed project complies with the parking standards required by the Coastal Zone Land Use Ordinance (2 off-street parking spaces). It also complies with the street setbacks standards of the ordinance. The committee had concerns related to noise with the proposed vacation rental. The use of the single family residence as a vacation rental will be subject to the noise standards of the Coastal Zone Land Use Ordinance. Any violations will be handled by the county code enforcement division or local County Sheriff's.

AGENCY REVIEW:

Public Works – “Stormwater Control Plan Application required.” (Tim Tomlinson, March 1, 2015)

Staff Response: A stormwater control plan was submitted by the applicant on April 7, 2015. Public Works reviewed the application and determined the project to be exempt from the Stormwater Control Plan requirements (Tim Tomlinson, July 22, 2015.)

Building Division – No concerns. A building permit is required. (Michael Stoker, March 2, 2015)

Cal Fire – “Shingle roofing and cedar shingle siding, structure must meet Chapter 7A of CBC. Use Fire resistant rated construction. Address number on both sides of structure, Avila Beach Drive and facing Creekside alleyway.” (Dennis Byrnes, March 27, 2015)

Staff Response: As conditioned, the project is required to submit a Fire Safety Plan. The project will also be conditioned to address both sides of the structure, along Avila Beach Drive and the alleyway.

HEAL SLO – No concerns.

Avila Beach CSD – “The project will need to apply for water and sewer service from the Avila Beach CSD.” (Kathryn Richardson, February 26, 2015)

Staff Response: The project received a preliminary “will serve” letter for the previously proposed project on May 16, 2003. Due to the recent water issues in the area, the applicant will be required to submit an up to date “will serve” letter from the Avila Beach Community Services District prior to building permit issuance. The proposed project, as conditioned, complies with this policy.

Coastal Commission – No comments received.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #1 (Book 54, Page 73 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.